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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,671	12/22/2000	Jamey O. Calloway	17587	4630

7590 07/31/2006

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EXAMINER

JUNG, DAVID YIUK

ART UNIT PAPER NUMBER

2134

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-17 are presented.

Response to Arguments

Applicant is held to be persuasive regarding these claims 1-5, 17. Applicant has argued regarding "a module which allows both services to pass through a modem and be filtered in the modem such that only the voice services exit from the modem to the premise output." See, e.g., page 7 of the latest filing (April 28, 2006) from Applicant. This is recited in claims 1, 17 (and dependent claims 2-5) but not in claims 6-16. Thus, Applicant is held to be persuasive regarding these claims 1-5, 17 but not regarding claims 6-16.

Regarding claims 6-16, Applicant's arguments filed have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a module which allows both services to pass through a modem and be filtered in the modem such that only the voice services exit from the modem to the premise output) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus, claims 6-16 must remain rejected.

Allowable Subject Matter

Claims 1-5, 17 are allowed.

The following is an examiner's statement of reasons for allowance: Applicant has argued regarding "a module which allows both services to pass through a modem and be filtered in the modem such t See, e.g., page 7 of the latest filing (April 28, 2006) from Applicant. This is recited in claims 1, 17 (and dependent claims 2-5) hat only the voice services exit from the modem to the premise output." The prior art did not teach or suggest the particular features of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CLAIM REJECTIONS

Rejections of claims 6-16 can be found in previous Office Action.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2134

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

Art Unit: 2134

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

David Jung

Patent Examiner

A handwritten signature in black ink, appearing to be 'David Jung', with a long horizontal stroke extending to the right.

7/24/06